IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.14308 of 2006

Dated: July 17, 2006

Between:

Social Educational & Women Society, Reg.No.792/99, rep. by its Secretary-cum-Correspondent K. Srinivas Reddy, S/o. Lakshmi Narasimha Reddy, aged 40 years, R/o. Katta Subba Rao Street, Eluru, W.G. District.

… Petitioner

And

The Commissioner, Family Welfare Department, Government of A.P., Hyderabad, and another.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in not accepting the applications of the candidates who underwent training in the Multipurpose Health Workers (F) Training Course, even though they were submitted as per the conditions mentioned in the notification dated 05-06-2006, as arbitrary and illegal.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents.

3. The case of the petitioner, an educational society, which is running Multipurpose Health Workers (F) Training Course, is that the first respondent, the Commissioner, Family Welfare Department, issued notification dated 05-06-2006 for conducting examinations for the said course and the same was published in the newspaper. Pursuant thereto, the petitioner is said to have submitted filled in applications of the candidates trained in its institute, by enclosing the requisite fee, to the second respondent. The grievance of the petitioner is that the respondents refused to receive the same without assigning any valid reason.

4. The matter has come up on 13-07-2006 and it was adjourned to enable the learned Government Pleader to get instructions.

5. Learned Government Pleader, on instructions, submits that the petitioner institution has forwarded the names of the candidates who have not at all been approved for undergoing such training course. It is stated that though the names of the majority of the candidates have been approved to undergo training, the petitioner institution has also included some names of the candidates who have not at all been approved to undergo such training; hence the list submitted by the petitioner has not been accepted.

6. If that be the case, the respondents could have rejected the names of such of the candidates who are not eligible to write the examinations on the ground that there is no approval for them to undergo training. But, it was not open for the respondents to reject

the entire list submitted by the petitioner institution, depriving the eligible candidates of writing the examination. In that view of the matter, I dispose of the writ petition directing the respondents to accept the list of candidates forwarded by the petitioner pursuant to the notification dated 05-06-2006 for conducting examinations for the aforesaid course. However, it is open for the respondents to scrutinize the eligibility of the candidates from out of the list. In case the respondents are of the view that some of the candidates have not been approved to undergo training, and they do not fulfill the conditions stipulated for writing the examination, they may refuse to allow them to write the examination. At the same time, the respondents shall issue hall tickets to the candidates whose names have been approved to undergo training and allow them to write examination as per the notification dated 05-06-2006.

7. The writ petition is disposed of with the above directions. There shall be no order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 17, 2006
MRR